

# Browne Woods & George LLP

## MEMORANDUM

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### STATE BAR OF CALIFORNIA INTELLECTUAL PROPERTY SECTION TRADE SECRET COMMITTEE

#### *July 12, 2005 Meeting Minutes*

The Trade Secrets Committee held a telephonic meeting on July 12, 2005. The following are the minutes of that meeting:

1. **Attendance.** The following Committee members attended the meeting: Ben Scheibe, Bec Edelsen, Randy Kay, Scott Plamandon, David Morales, and Lou Karasik.

2. **Update On Trade Secrets Treatise.** Randy updated Committee members on the progress of the trade secret treatise that was edited by and written by members of the Committee. The treatise is “at the printer” and expected to be available shortly. The Committee discussed ways to promote the treatise, including on the State Bar website, at State Bar events, on the firm websites of the persons who wrote chapters, and advertising in IP related periodicals.

3. **Upcoming programs.** The Committee members discussed upcoming programs:

- a. **Lunch program at Alschuler Grossman Stein & Kahan to be rescheduled:** The lunch program developed by Bec and entitled

*“Protecting Your Business From Departing Employees”* that had been rescheduled for May 19, 2005, will be rescheduled to a date to be coordinated with the publication of the treatise.

**b. State Bar Convention (September 8-11 - San Diego):** Ben is organizing a program that will be presented on **September 9, 2005** at 4:45 p.m. It will either be a “Trade Secrets 101” type program or a broader program on all aspects of IP law.

**c. November 2005:** The Committee is presenting a program for the IP Institute to be held November 4-5, 2005 at the Napa Valley Marriott Hotel and Spa: The program will be on **November 4, 2005** at 2:45 p.m. and will be a panel discussion on as topics related to trade secrets. Ben is organizing the program.

**4. Speaking Opportunities/Writing Opportunities.** The Committee members discussed the need for the Committee to keep a flow of articles to *New Matter*. John Yates and Ben Scheibe have articles in progress. Members interested in writing an article (from 1500 to 6000 words) should e-mail Ben or the editors of *New Matter* (with a copy to Ben) with a proposed topic and target date so as to reserve the topic with *New Matter*. The articles need not be in depth, law review type articles, and can cover narrow topics that may be of interest to members of the IP Section. Members are encouraged to take briefs or research memoranda from their practice and turn these into articles if the topics are of interest to the trade secret or IP community.

**5. Plain English Trade Secret Jury Instruction Project.** A subcommittee has been established, consisting of Ben Scheibe, Carolyn Sieve, Randy Kay, Marshall

Lerner, Bec Edelson, and Robert Freitas. Robert Freitas has volunteered to head the Committee and to act as a clearinghouse to collect instructions from Committee members. Although Robert has received a few instructions, he has asked for additional instructions from Committee members. All Committee members are encouraged to provide trade secret instructions they have found useful in the past to Robert Freitas:

[RFreitas@Orrick.com](mailto:RFreitas@Orrick.com)

**6. Website.** Vice Chair David Morales reported on the plan to upgrade and update the Committee's page on the State Bar's website. Plans include advertising the treatise, posting trade secret related articles from *New Matter*, and updating the FAQ section, possibly with text from the treatise. David is looking for additional volunteers to assist in this project. Volunteers can e-mail David ([morales@alum.mit.edu](mailto:morales@alum.mit.edu)) and suggestions for website improvements can be e-mailed to David as well or submitted at the next meeting. Our current pages may be viewed at:

[http://www.calbar.ca.gov/state/calbar/calbar\\_sections\\_generic.jsp?sImagePath=Intellectual-Property-Section\\_with-right-menu.gif&sCategoryPath=/Home/Attorney%20Resources/Sections/Intellectual%20Property%20Law/Standing%20Committees/Trade%20Secrets&sAdsPath=sectionsads/IP\\_Cmte\\_Secrets\\_Home.html&sFileType=HTML&sRightMenuPath=sectionsrightmenu/IP\\_Cmte\\_Secrets\\_Home-Page.html&sCatHtmlPath=html/IP\\_Cmte\\_Secrets\\_Home.html](http://www.calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?sImagePath=Intellectual-Property-Section_with-right-menu.gif&sCategoryPath=/Home/Attorney%20Resources/Sections/Intellectual%20Property%20Law/Standing%20Committees/Trade%20Secrets&sAdsPath=sectionsads/IP_Cmte_Secrets_Home.html&sFileType=HTML&sRightMenuPath=sectionsrightmenu/IP_Cmte_Secrets_Home-Page.html&sCatHtmlPath=html/IP_Cmte_Secrets_Home.html)

**7. Legislative Reform:** Joanna Mendoza has drafted and circulated to interested persons a comprehensive proposal identifying various issues relating to the California UTSA and proposing changes thereto. The proposal has been the subject of considerable debate among the Committee members. Ben, Randy, Bec, and Joanna

will meet in connection with the Long Range Planning Meeting at the end of July to discuss the next step.

**8. CLE By Phone:** There is nothing new to report on this potential project. David Shaub is working on a potential program and Ben will seek additional information from David before the next meeting.

**9. Next Meeting.** The Trade Secret Committee will have its next telephonic meeting on September 20, 2005 at 3:00 p.m. Ben will circulate call-in information and an agenda in advance of the meeting.